

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 In re application of: Carpentier, et al.)
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 Application No.: 10/729,035) Confirmation No. 2075
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10 Filing Date: December 5, 2003)
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 T.C./A.U.: 3738
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15 Examiner: David J. Isabella)
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 For: FLEXIBLE HEART VALVE AND ASSOCIATED
 CONNECTING BAND
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20 Mail Stop Amendment
 Commissioner for Patents
 Washington, D.C. 20231

25 TERMINAL DISCLAIMER UNDER 37 CFR §1.321(b)

Dear Sir:

30 Petitioner, Edwards Lifesciences Corporation, a Delaware Corporation with its principal offices located at One Edwards Way, Irvine, in the County of Orange and State of California, represents that it is the assignee of the entire right, title and interest in and to the invention disclosed in the above-referenced U.S. Patent Application No. 10/729,035.

35 The above-referenced U.S. Patent Application No. 10/729,035 claims priority under 35 U.S.C. §120 back to U.S. Patent Application No. 09/847,930, filed May 3, 2001, now U.S. Patent No. 6,736,845, which is a continuation-in-part of U.S. Patent Application No. 09/332,759, filed June 14, 1999, now U.S. Patent No. 6,558,418.

All of the aforementioned patents and applications are commonly owned by Petitioner.

Serial No.: 10/729,035
Docket No.: ECV-5413CIP2CON1
Terminal Disclaimer dated February 15, 2007
Responsive to Office Action dated December 5, 2006

Petitioner represents that it is the assignee of the entire right, title and interest in and to the invention disclosed in U.S. Patent Nos. 6,558,418 and 6,736,845, and continuations thereof, by the following assignments/instruments:

- 5 U.S. Patent No. 6,558,418 (S/N 09/332,759) was assigned from the inventors to Baxter International Inc. as shown by an Assignment recorded on September 20, 1999 at **Reel 010245, Frame 0005**, and was re-assigned from Baxter International Inc. to Edwards Lifesciences Corporation as shown by an Assignment recorded on June 9, 2000 at **Reel 010901, Frame 0274**.
- 10 U.S. Patent No. 6,736,845 (S/N 09/847,930) was assigned from the inventors to Edwards Lifesciences Corporation as shown by an Assignment recorded on October 1, 2001 at **Reel 012223, Frame 0170**.

15 In accordance with 37 CFR 3.73, the undersigned certifies that the evidentiary documents with respect to ownership have been reviewed and that, to the best of the knowledge and belief of the undersigned, title is in the Petitioner seeking to take this action.

20 **Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of prior U.S. Patent No. 6,558,418.**

25 Petitioner hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to prior U.S. Patent No. 6,558,418. This Agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

Serial No.: 10/729,035
Docket No.: ECV-5413CIP2CON1
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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of prior U.S. Patent No.

6,558,418, as presently shortened by any terminal disclaimer, in the event that prior U.S. Patent

- 5 No. 6,558,418: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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FEE PAYMENT

Please charge the necessary fee under 37 CFR §1.20(d) to Deposit Account No. 50-1225 (ECV-5413CIP2CON1). If there are any questions, please call the undersigned.

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Respectfully submitted,



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Date: February 15, 2007

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